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Proposed Counsel for Chapter 11 Trustee
Kyle Everett

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

In re	Case No. 20-30819 DM
BENJA INCORPORATED	Chapter 11
Debtor.	**DECLARATION OF STEPHEN D. FINESTONE IN SUPPORT OF APPLICATION TO EMPLOY COUNSEL FOR CHAPTER 11 TRUSTEE (FINESTONE HAYES LLP)**

I, Stephen D. Finestone, declare as follows:

     1.   I am an attorney admitted to practice law in the State of California and this Court.

     2.   I am a partner in the firm of Finestone Hayes LLP (the "Firm"). The Firm is proposed general bankruptcy counsel for the Chapter 11 Trustee, Kyle Everett (the "Trustee").

     3.   The Firm is experienced in the areas of insolvency, business reorganization, and debtor/creditor matters, having represented Chapter 11 debtors and creditors in numerous cases before this Court and other Bankruptcy Courts, and also having represented bankruptcy trustees in numerous matters.

     4.   Subject to further order of this Court, and without being exhaustive, the Firm proposes to render the following types of legal services to the Trustee:

1   a)   To advise and represent the Trustee as to all matters and proceedings

2   within this Chapter 11 case, other than those particular areas that may be

3   assigned to special counsel;

4   b)   To assist, advise and represent the Trustee with respect to his duties

5   under Bankruptcy Code Section 1106(a);

6   c)   If warranted, advise and assist the Trustee in converting the case to a

7   proceeding under Chapter 7 of the Bankruptcy Code;

8   d)   To assist, advise and represent the Trustee regarding any lawsuits or

9   claims that are being prosecuted by or against the Debtor;

10   e)   To assist and advise the Trustee in the investigation and disposition, if

11   appropriate, of assets of the estate

12   f)   To assist and advise the Trustee regarding the investigation and

13   prosecution of potential avoidable transfers; and,

14   g)   To assist, advise and represent the Trustee in dealing with the creditors

15   and other constituencies, analyzing the claims in this case and formulating and

16   seeking approval of a Plan of Reorganization, as appropriate.

17   5.   Subject to the provisions of the Bankruptcy Code, the Bankruptcy Rules, the

18 Guidelines for Compensation and this Court's rules, the Trustee proposes to pay the Firm its

19 customary hourly rates in effect from time to time and to reimburse the Firm for its expenses

20 according to its customary reimbursement policies. The Firm's hourly rate for partners is $525

21 and the hourly rates for associates and contract attorneys range from $300-$425. The rates are

22 subject to increases on an annual basis

23   6.   Having reviewed the list of creditors and interested parties in the bankruptcy

24 case, to the best of my knowledge the Firm has no connection with the debtor, creditors, or any

25 other party in interest, their respective attorneys and accountants, the United States Trustee or

26 any person employed in the Office of the United States Trustee. The Firm does not presently

27 represent any interest adverse to the Applicant or to the estate in regard to matters with which it

28 is to be employed. The Firm is disinterested.

FINESTONE DECLARATION

1   7.   The Firm has not shared or agreed to share compensation with any entity except

2   among its attorneys. The Firm will comply with Bankruptcy Code Section 327 with respect to

3   its work on behalf of the Trustee and any compensation related thereto.

4   8.   This declaration has been submitted to the Office of the United States Trustee.

5   No hearing is required unless requested by the United States Trustee, a party in interest or the

6   Court.

7   I declare under penalty of perjury that the foregoing is true and correct. Executed this

8   11th day of November 2020 in San Francisco, California.

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11   /s/ Stephen D. Finestone
                                         Stephen D. Finestone

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PROOF OF SERVICE

I, the undersigned, declare that I am over the age of eighteen years and am not a party to the within-entitled action; my business address is 456 Montgomery Street, 20th Floor, San Francisco, CA 94104.

On the below date I served the attached document(s) entitled:

DECLARATION OF STEPHEN D. FINESTONE IN SUPPORT OF APPLICATION TO EMPLOY COUNSEL FOR CHAPTER 11 TRUSTEE (FINESTONE HAYES LLP)

on all interested parties in said cause addressed as follows:

Office of the U.S. Trustee
450 Golden Gate Ave., 5th Floor
Suite #05-0153
San Francisco, CA 94102

X   **(BY MAIL)** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the ordinary course of business for collection and mailing that same day at 456 Montgomery Street, 20th Floor, San Francisco, CA. I declare that I am readily familiar with the business practice of Finestone Hayes LLP for collection and processing of correspondence for mailing with the United States Postal Service and that the correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business.

     (BY HAND) by causing a true copy of such document(s) to be hand-delivered by messenger to the following at their respective addresses as indicated above.

     (BY FEDERAL EXPRESS) by placing a true copy thereof enclosed in a sealed envelope for delivery via Federal Express to the addressee(s) noted above.

     (BY FACSIMILE) I served the foregoing documents on the interested party/parties in this action by facsimile transmission and the transmission was reported as completed without error to the office(s) with the following fax number: <u>(see above)</u> . I attached to this proof of service the transmission report that was properly issued by the transmitting facsimile machine maintained by Vogl & Meredith, 456 Montgomery Street, San Francisco, California.

Executed **November 11, 2020** at San Francisco, California.

     (Federal) I declare under penalty of perjury that the foregoing is true and correct.

Name: Alex Castillo   /s/ Alex Castillo